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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,659

03/30/2007

Hans Robertson

10400S-000004/US

3584

30593 7590 04/29/2008  
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EXAMINER

FAN, HONGMIN

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,659	<b>Applicant(s)</b> ROBERTSON, HANS	
	<b>Examiner</b> HONGMIN FAN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/30/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/21/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 4 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7, 8-9, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Masuda (US Pub. 2004/0168172).

As to claim 1, referring to Fig. 1, Masuda disclosed a work space control apparatus having the claimed limitations, comprising RFID tag 3 (i.e. sensor) carried by the user P1 (i.e. first person) and RFID tag reader 4 for recognizing the user P and detecting the existence of the user P in the work space (i.e. location) concerned. RFID tag reader 4 is connected to the context detection server 5 connected to the network 1 (i.e. communication means). When ID tag 3 of the user P is detected, the context

detection server 5 notifies the individual activity history server 2 of the information such as the place and time of the detected user via the network 1 according to the ID information. (¶0068). In the work spaces, there are provided a video camera 7, microphone 8 and speaker 9 to capture the collaborative activity such as a conference held at the place. Images and voices captured by these devices are sent to the server 10 for capture (i.e. context log) having a function of saving and controlling the activity history with respect to the capture (¶0070). When an activity event conducted by an object in a work space is detected, the detected activity event is saved for each object of the activity event in relation to the time and place of the activity, and the thus saved activity event (i.e. first context graph) is displayed by the display of the object (¶0015, line 1-6). The individual user P2 (i.e. second person) uses a portable type computer 15 for displaying an overview which has a function of displaying the activity history relating to the activity of each user on the image plane and also has a function of starting a function which is made to correspond when access is made to an object or when the contexts are detected (¶0073).

As to claim 2, all the claimed subject matter has been discussed except the first context graph is displayed adjacent to the second context graph. Referring to Fig. 18, Masuda disclosed several activity events are displayed from the distant side of the viewer to the close side of the viewer in a time series (i.e. displayed adjacent to each other). In FIG. 18, reference numeral 184 is an activity event, several activity events are displayed in a time series (¶0126, line 2-7).

As to claim 7, Masuda further disclosed an activity event (a change in a position of a user in a room, a document or operation of software and so forth) of each object in a common work space in an actual world is detected, and the thus detected activity event in the common work space is saved in the context prepared corresponding to the object while the activity event can be referred from the other objects, and a relation of various object groups (i.e. catalogue), which is acquired by tracing the saved activity events, can be displayed (¶0025).

As to claim 8, the claim is interpreted and rejected as claim 1.

As to claim 9, the claim is interpreted and rejected as claim 2.

As to claim 14, the claim is interpreted and rejected as claim 7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-6, 10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of Galvin et al (US Pub. 20050138108).

As to claim 3, Masuda did not disclose receiving information about restrictions of accessibility of the first user respect to the second person. However, it is well known in the art to provide information about restrictions of accessibility of a user to other users so that other users would know when is proper to contact the first user. Galvin et al

teach a system from an awareness service wherein one or more collaborative contexts can be set for a first user within a set of users. One or more subsets of users can be defined within the set of users corresponding to the one or more collaborative contexts, respectively. Furthermore, a level of availability (or restriction) can be defined for the first user with respect to each of the subset of users. Next, an online status can be published on the awareness service for the first user. The online status can display an availability message to a second user (¶0009, line 2-11). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to provide information about restrictions of accessibility of a user to other users in Masuda's apparatus so that other users would know when is proper to contact the first user.

As to claim 5, clearly the availability (or restriction) of Galvin is for a time period, such as "Away from desk" message in Fig. 1.

As to claim 6, since Galvin's system is for multi-users, different users could set their own availability including reciprocal time periods.

As to claim 10, the claim is interpreted and rejected as claim 3.

As to claim 12, the claim is interpreted and rejected as claim 5.

As to claim 13, the claim is interpreted and rejected as claim 6.

### ***Provisional Double Patenting***

Claims 1, 7, 8 and 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 4, 5 and 8 of copending Application No. 10583663. Although the conflicting claims are not identical,

they are not patentably distinct from each other because independent claims 1 and 5 of '663 claim all the limitations of claims 1 and 8 respectively, while dependent claims 7 and 14 are identical to claims 4 and 8 of '663 respectively.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hongmin Fan whose telephone number is 571-272-2784. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HF

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612